

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 58575

Birdie D. Rader

7520 Westfield Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on June 9, 2009, for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-5-302 (b)(1) failure to maintain the premises in a sanitary condition free from infestation at shed near alley on residential property zoned DR 10.5 known as 7520 Westfield Road, 21222.

On May 14, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Ray Harmon issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,800.00 (five thousand eight hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 13, 2009 requesting removal of all trash and debris; repair of defective fence and abatement of rat infestation, and proof of abatement actions. This Citation was issued on May 14, 2009.

B. Photographs in the file show large rat holes along the fence and shed. Reinspection by Inspector Robert Moorefield on June 4, 2009 found at least one rathole that still appears active. Inspector Moorefield noted that it appears that some extermination efforts may have been made, and noted that some holes have been closed and that he did not find an exit hole for the observed rathole. The file indicates that the other violations have been corrected.

C. Because compliance is the goal of code enforcement, and it appears Respondent has taken some steps to eliminate the violations, the proposed civil penalty will be rescinded if the violations are fully corrected. However, Respondent must continue to treat the infestation until it is abated, and then is required by law to rat-proof or remove the shed. County Code Section 13-7-307. Periodic inspections by the County should continue until the rat infestation is fully abated, all holes and burrows are closed, and the shed is removed or rat-proofed.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if Respondent corrects the violations by September 1, 2009, by exterminating the rat infestation and providing verification of extermination, closing all holes and burrows, and removing or rat-proofing the shed.

IT IS FURTHER ORDERED that the County shall inspect the property periodically until all violations are corrected. Respondent is advised that failure to complete corrections by September 1, 2009 may result in immediate Citation, pursuant to departmental policy.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 18TH day of June 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer